

The Board of Adjustment of the City of Seabrook met on Wednesday, April 10, 2013 at City Hall, 1700 First Street, Seabrook, Texas in regular session to consider the following agenda items.

THOSE PRESENT WERE:

SUE ELLEN LANGGARD

GAIL POSTON

EDELMIRO MUNIZ Excused Absence

JOSEPH FARELLA Excused Absence

JOHN DOLAN

RICHARD NGUYEN

ROBERT DUNCAN

STEVE WEATHERED

SEAN LANDIS

ALESIA HAMMOCK

CHAIRMAN

VICE CHAIRMAN

MEMBER

MEMBER

MEMBER

ALTERNATE MEMBER

ALTERNATE MEMBER

CITY ATTORNEY

DIRECTOR OF PLANNING AND

COMMUNITY DEVELOPMENT

SECRETARY

Chairman Langgard called the meeting to order at 7:00 p.m. and stated there was a quorum present.

**1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS - None**

**2.0 SPECIFIC PUBLIC HEARINGS**

**2.1 Request for a variance of 15 feet to the 25 foot front-yard setback.**

Sean Landis gave a brief report. He stated the applicants request was for a reduction of 10 feet of the 25 foot front-yard setback for lots 7-16 of the Parker's Lake Subdivision. He stated that along this area the buildable area averages to about 50 to 55 feet. Mr. Landis stated that the builder is trying not to fill any of the lake.

Lucille Hyzer, after being sworn in, stated that she was worried about them dredging the lake for jet skiing, filling in the lake to build the homes, and the traffic this would cause on East Meyer Road.

Mary Gale, after being sworn in, stated that she thought Mr. Leppard knew what he was buying when he bought the property. She stated that should have to work with what he has. She stated that she was worried about the traffic problems this would cause on East Meyer.

Phil Starr, after being sworn in, stated that East Meyer was very narrow and he was worried about the traffic problems this subdivision would cause. He stated that the lots were to narrow. He is against the variance request.

Susan Scruggs, after being sworn in, stated that if they gave him the variance East Meyer could never be widened and if they did not give him the variance was he going to fill the lake. She stated that he knew what he was buying, he knew the building requirements, and now he wants the City to change things to accommodate that.

Terry Aker, after being sworn in, stated that he had concerns about the pipe connecting the Parker's Lake to Lake Mija. He was concerned about the pipe being damaged. He stated that he

51 was also concerned that if the variance was granted, East Meyer would never be widened and if it  
52 wasn't granted, the lake would be filled on these lots.

53  
54 Juanita Martinez, after being sworn in, stated this subdivision would add to the traffic problems  
55 on East Meyer.

56  
57 Tim Leppard, after being sworn in, stated that the original survey that they got from the seller  
58 showed a distinct water line. They could not get an accurate water line until they cleared out 10  
59 to 20 feet of solid brush. He stated that what they found was a 6 to 10 foot variance, depending  
60 on which lot, between what the original survey showed the waterline being to where it actually is  
61 at. He stated that is why they are asking for the variance. He stated that if they do any bulk-  
62 heading, it would be a minor amount on a per lot basis.

63  
64 Robert Duncan asked if the variance was not granted, would he have the approval to backfill into  
65 the lake.

66  
67 Mr. Leppard stated yes.

68  
69 Mr. Duncan asked if he would need additional permission or permits to backfill.

70  
71 Mr. Landis stated that there would be an approval process, but it was private property and a  
72 private lake and Mr. Leppard has the authority to backfill the lake.

73  
74 Mr. Leppard stated that regarding the engineering on the ditches, they maintain the right-of-way  
75 on both of them and nothing would be built on them.

76  
77 Chairman Langgard asked how many feet would there be between the front of the house and the  
78 road, if the variance is granted.

79  
80 Mr. Leppard stated roughly 25 to 30 feet to the road.

81  
82 Chairman Langgard asked if the land was already platted when he bought it.

83  
84 Mr. Leppard stated that it was platted at the time he bought it.

85  
86 Chairman Langgard closed the Specific Public Hearing portion of the meeting at 7:27.

87  
88 **3.0 NEW BUSINESS**

89  
90 **3.1 Discussion, consideration and possible action concerning the Request for a variance of 15**  
91 **feet to the 25 foot front-yard setback in the R-1 (Residential – Single-family detached)**  
92 **zoning district (§ 3.03.04 A).**

93  
94 Gale Poston asked if any of the other homes or lots on Meyer Road been granted 15 foot  
95 setbacks.

96  
97 Mr. Landis stated no.

98  
99 Richard Nguyen asked if the City had any intentions of widening Meyer Road.  
100

101 M. Landis stated not at this time.

102  
103 Chairman Langgard stated that they would vote on the questions.

104  
105 **A. That special conditions and circumstances exist which are peculiar to the land,**  
106 **structure or building involved which are not applicable to other lands, structures or**  
107 **buildings in the same district.**

108  
109 **Applicant's Answer:** Applicant has good and sufficient cause for requesting a variance due to  
110 the depth of lots 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Parker's Lake Subdivision. These lots  
111 require a 25 foot building front set back which will limit the footprint of the proposed houses to a  
112 smaller size which, if the variance is not granted, constructing a smaller house will render the  
113 property difficult to build on. Applicant's goal is to have reasonable size homes to encourage  
114 families to move to the area. In order to build a house on each of these lots it would be necessary  
115 to have a 15 feet front set back otherwise it would be difficult to build any residence on each of  
116 these lots. Due to the fact that there is a lake at the rear of each of the above lots, there is no  
117 alternate measure to be taken.

118 ***We find accordingly.***

119  
120 Ayes: Langgard

121 Nays: Dolan, Duncan, Nguyen, and Poston

122 Abstained:

123  
124 **B. That literal interpretation of the provisions of this ordinance would deprive the**  
125 **applicant of rights commonly enjoyed by other property owners in the same district under**  
126 **the terms of this ordinance.**

127  
128 **Applicant's Answer:** By granting the requested variance of 10 feet for this property the  
129 applicant will not be deprived of rights otherwise enjoyed by other property owners in the same  
130 district.

131 ***We find accordingly.***

132  
133 Ayes:

134 Nays: Dolan, Duncan, Langgard, Nguyen, and Poston

135 Abstained:

136  
137 **C. That the special conditions and circumstances do not result from the actions of the**  
138 **applicant.**

139  
140 **Applicant's Answer:** Applicant is not responsible for the size and dimensions of lots 7, 8, 9, 10,  
141 11, 12, 13, 14, 15, and 16 and considering the required front set back and the lake in the rear of  
142 each lot, it will be necessary to reduce the 25 front set back to a 15 front set back in order to make  
143 it feasible to build on each lot.

144 ***We find accordingly.***

145  
146 Ayes: Langgard and Poston

147 Nays: Dolan, Duncan, and Nguyen

148 Abstained:

149

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

**Applicant's Answer:** Granting the requested 10 feet variance would not result in any special privilege that would interfere with the remaining lots in Parker's Lake Subdivision or to other lands, structures or buildings in the same district. Applicant submits that a variance of 10 feet will have not potential adverse effect on public health, safety or the environment, or conflict with existing local laws or ordinances.

*We find accordingly.*

Ayes: Langgard

Nays: Dolan, Duncan, Nguyen, and Poston

Abstained:

E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

**Applicant's Answer:** Applicant owns lots 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Parker's Lake Subdivision and desires to build a residence on each lot that would make the property attractive to families desiring to move to Seabrook. Strict compliance with provision 3.03.04 A. of this ordinance would impose an undue burden on the applicant.

*We find accordingly, for the reasons expressed herein:*

Ayes:

Nays: Dolan, Duncan, Langgard, Nguyen, and Poston

Abstained:

#### **VARIANCE DENIED**

### **4.0 APPROVAL OF MINUTES**

#### **4.1 Consideration and possible action concerning the revised minutes from the September 12, 2012 meeting.**

**Motion was made by John Dolan and seconded by Richard Nguyen**

*To approve the revised minutes from the September 12, 2012 meeting as written.*

**MOTION CARRIES BY UNANIMOUS CONSENT.**

#### **4.2 Consideration and possible action concerning the minutes from the December 12, 2012 meeting.**

**Motion was made by John Dolan and seconded by Richard Nguyen**

*To approve the minutes from the December 12, 2012 meeting as written.*

Ayes: Dolan, Duncan, Langgard, Muniz, and Nguyen

Nays: None

200 Abstained: Poston  
201

202 **MOTION CARRIES BY UNANIMOUS CONSENT OF THOSE VOTING.**  
203

204 **Motion was made by John Dolan and seconded by Gail Poston**  
205

206 *To adjourn the Board of Adjustments meeting.*  
207

208 **MOTION CARRIES BY UNANIMOUS CONSENT.**  
209

210 Meeting adjourned at 7:38 p.m.  
211

212 **APPROVED THIS 8th DAY OF MAY, 2013.**  
213

214   
215 \_\_\_\_\_  
216 Sue Langgard, Chairman  
217

  
\_\_\_\_\_  
Alesia Hammock, Secretary